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Attorneys for Defendants COUNTY OF BUTTE and SHERIFF/CORONER PERRY L. RENIFF

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DENISE SALERNO, individually and as
Administrator of the ESTATE OF
ARTHUR ANTHONY SALERNO, JR.
(Decedent),

Plaintiffs,

vs.

Case No. C 07-4336 MEJ

**STIPULATION AND PROPOSED ORDER
TO TRANSFER VENUE TO THE
EASTERN DISTRICT OF CALIFORNIA
PURSUANT TO 28 U.S.C. § 1406**

COUNTY OF BUTTE, CALIFORNIA;
SHERIFF/CORONOR PERRY L.
RENIFF; STATE OF CALIFORNIA;
CALIFORNIA HIGHWAY PATROL;
CALIFORNIA HIGHWAY PATROL
COMMISSIONER MIKE BROWN;
SARGENT S. MUDERS, BADGE No.
9613, individually and in his official
capacity as a CALIFORNIA HIGHWAY
PATROL Officer; OFFICER M.E.
ORTIZ, Badge No. 16562, individually
and in his official capacity as a
CALIFORNIA HIGHWAY PATROL
Officer; OFFICER G. CORNWELL,
Badge 10569, individually and in his
official capacity as a CALIFORNIA
HIGHWAY PATROL Officer; and DOES
1 through 100, inclusive

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff DENISE
SALERNO and Defendants COUNTY OF BUTTE, CALIFORNIA; SHERIFF/CORONER

1 PERRY L. RENIFF; STATE OF CALIFORNIA; CALIFORNIA HIGHWAY PATROL;
 2 CALIFORNIA HIGHWAY PATROL COMMISSIONER MIKE BROWN; S. MUDERS;
 3 M.E. ORTIZ; and G. CORNWELL that the Complaint and the allegations of fact contained
 4 therein are not based upon diversity of citizenship. The parties further stipulate that a
 5 substantial part of the events or omissions giving rise to the First Amended Complaint
 6 occurred in the Eastern Judicial District.

7 In light of the foregoing, the parties hereby stipulate that venue pursuant to 28 U.S.C.
 8 §1391(b) is appropriately had in the Eastern Judicial District of California. Thus, the parties
 9 further stipulate that Civil Action No. C-07-4336 MEJ, filed in the United States District
 10 Court for the Northern District of California, should be transferred, pursuant to 28 U.S.C.
 11 §1406(a), to the Eastern Judicial District.

12
 13 Dated: 9/14/07

LAW OFFICE OF DAVID C. ANDERSON

14
 15 By [Signature]
 16 David C. Anderson
 Attorney for Plaintiff DENISE SALERNO

17
 18 Dated: 9-21-07

PORTER SCOTT

19
 20 By [Signature]
 21 Terence J. Cassidy
 Attorney for Defendants COUNTY OF BUTTE
 and SHERIFF/CORONER PERRY L. RENIFF

22
 23 Dated: 9/19/07

CALIFORNIA DEPARTMENT OF JUSTICE
 OFFICE OF THE ATTORNEY GENERAL

24
 25 By [Signature]
 26 Attorney for Defendants STATE OF
 27 CALIFORNIA; CALIFORNIA HIGHWAY
 PATROL; CALIFORNIA HIGHWAY PATROL
 COMMISSIONER MIKE BROWN; S.
 28 MUDERS; M.E. ORTIZ; and G. CORNWELL

[PROPOSED] ORDER

IT IS HEREBY ORDERED that pursuant to 28 U.S.C. §1406(a), Civil Action C 07-4336 MEJ, filed in the United States District Court for the Northern District of California, be transferred to the United States District Court for the Eastern District of California.

Dated: September ____, 2007

Hon. Maria Elena James
MAGISTRATE JUDGE OF THE UNITED
STATES DISTRICT COURT